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ART. III.—1. *Medical Dissertations, read before the Massachusetts Medical Society.* Published by the Society. Vol. IV. Part IV. Boston. 1827.

2. *Proceedings of a Convention of Medical Delegates held at Northampton, in the State of Massachusetts, on the 20th day of June, 1827.* Boston. 1827.

It has sometimes been regarded as a reproach to the numerous medical societies in our country, that they have done no more for the promotion of science. Medicine is a liberal profession; and is, equally with any other profession, dependent upon the promotion of science; and especially upon the various departments of natural science it is much more dependent, than any other profession. Its members might therefore reasonably be expected to furnish their full quota, not only to the advancement of their own profession strictly speaking, but also to that of science generally. Then there is no lack of medical societies in the country. Almost every state in the union furnishes at least one such society incorporated by law, and with a greater or less extent of privileges and immunities. And yet, it may be asked, who ever looks to the transactions of these learned bodies for additions to the stock of knowledge, or even for evidence of its progress?

To the physicians of this country as individuals, however it may be in their collective capacity as composing medical societies, no such reproach can justly apply. There has not been wanting a fair proportion of learned men among them who have been ready to apply their diligence to the extension of all the branches of knowledge, which in any way connect themselves with their profession. But with respect to these societies themselves, the reproach has arisen rather from a misconception of the main objects of their institution, than from a want of zeal and industry among their members.

There are two modes by which medical societies may exert a beneficial influence upon the community. By exciting and concentrating the energies of their members, they may bring together and publish the results of their observations and inquiries, and thus add to the stock of knowledge in the scientific world; or by adopting suitable regulations for the education and examination of candidates for the profession, they may elevate its character and extend its usefulness. In the one

way, they add to the stock of knowledge in the scientific world ; in the other, they provide that a sufficient portion of the knowledge already in the possession of the learned, shall be acquired by those, who would assume the responsibilities of the profession.

In regard to the first of these means of usefulness, our medical societies have not been wholly deficient, although it cannot be said that much has been accomplished by them towards the advancement of science. The Massachusetts Medical Society has published three volumes, and several small parts of a fourth, of *Medical Communications and Dissertations*. Some of these Communications are elaborate papers of great value. For several years past however these publications have not extended beyond the discourses read at the annual meetings of the society ; from the occasion on which they were delivered, therefore, they necessarily incline somewhat to a popular character, not very well suited to thorough scientific discussion. Some of them are notwithstanding able and valuable productions. Others, it must be confessed, are of much less value, and not of a character to elevate or even sustain the reputation of the society. Some of the other medical societies in the country have published volumes of communications, of various merit ; but it is not necessary to our purpose to speak particularly of their value. For it is not upon their publications that the chief utility of these societies depends.

It is upon the other mode of promoting the public welfare, that we rest the claim of our medical societies to an exemption from the reproach, to which we have alluded, of having failed of the object of their institution. If they have not done much to increase the amount of scientific knowledge, they have not failed to diffuse the benefits of that knowledge over the whole body of the medical profession, and by that means to extend it to the whole community. Their operations have raised very essentially the standard of professional character and conduct, at the same time that irregularities of practice, and irregular practitioners have been effectually discountenanced, and in many places nearly suppressed.

To many persons it may appear, that these are advantages of which the benefit is reaped by the members of the profession exclusively, rather than by the community at large ; and there never have been wanting those who have stigmatized every attempt to raise the character and improve the condition of the

profession, and to exclude from it ignorant and unworthy pretenders, as a scheme to gratify the avarice, or promote the ambition, of those who have engaged in it. This is a question of some importance, and we propose to examine it. For although it has often been examined, and fully settled, to the satisfaction of informed and well disposed men, yet the facts and arguments, upon which a just determination of it rests, are so readily forgotten, while a jealousy is so easily excited of everything that has the least appearance of monopoly or privilege, that we think a slight review of it may not be without its use at the present time. If our medical societies are designed and calculated only to promote the interests of their individual members, or to secure privileges to their own corporations; and still more if they are associations for the purpose of enabling their members to prey with the greater security and effect upon the necessities and distresses of their fellow men, then have they received too much of favor both from the laws, and from public opinion. But if, on the contrary, the best interests of the community are advanced by their prosperity, at least equally with their own, and if the men who have been actively engaged in them, while they have labored for the good of their own profession, have no less promoted the good of the whole community, then they are not unworthy of all the protection and confidence they have received.

That the learning of every scientific man is a benefit to the public as well as to himself, is so obvious as scarcely to need remark. There is no knowledge so abstract that its influence and its advantages are confined to the immediate possession of it; like the garden of the rich man, the beauty and healthful fragrance of which are enjoyed by the poor neighbor, no less than by the opulent proprietor. But the learning of the physician has its influence diffused over the whole community more directly than that of almost any other class of men. His business brings him into immediate contact with every portion of the human race; and under circumstances favorable to the exertion of a powerful influence, whether that influence be for good or for evil. There is a sort of universality to the profession which belongs to no other. Every village has its physician; and he has direct access to every family and every individual in it. Were his knowledge therefore of the most abstract kind, there would be no part of the community to which it would not be a matter of strong interest that the profession should be learned and respectable.

On the contrary, however, medical science is in its very nature peculiarly practical. It embraces an epitome of the more practical parts of all the physical sciences. The physician, if he is properly educated to his profession, must be familiar with many parts of natural philosophy, with natural history, botany, chemistry, &c. as well as with those branches of learning which more immediately connect themselves with the science of life and the knowledge of diseases. Such in point of fact is the real state of things in our country. If we except those whose province it is to teach those branches of knowledge, physicians are almost the only men among us who cultivate them. That even they cultivate them, in any considerable approach to the degree to which they deserve to be cultivated, we would by no means assert. But that they do it much more extensively than any other class of men, cannot, we think, be questioned.

We have thus far spoken of physicians, simply as men, and of their connexion with society as being of the same kind with that of other scientific men. But if we regard them in their professional capacity, engaged in the performance of their peculiar duties, we shall find that the community have a still deeper interest, in their qualifications and character. The physician is not only brought into contact with all classes of men, but every individual in the community is sooner or later directly dependent upon him in matters which concern his most valued interests, his health and his life, and those of the friends most dear to him. It is not a matter in which he has a choice, as in most of the other concerns of life. Man is born to disease; and they that are sick have need of the physician.

There is also a peculiar implicitness in this subjection to medical skill and science, which belongs to no other profession, and which while it involves all classes of men, levels at once all distinctions of rank and intellect. The lawyer advises and argues, and the clergyman hopes to influence only so far as he is able to convince; but the physician prescribes. And the prescription is followed, not because the patient comprehends either the character of his disease or the nature of the remedy, but simply because he relies upon the character and skill of the physician. It is wholly a matter of confidence, and on this confidence the most learned are as entirely dependent, as the most ignorant. The one is no more than the other induced to submit to his physician's directions, by judging for himself of the wisdom of his prescriptions.

If we examine the grounds of this confidence, we find still another peculiarity, in which the medical profession differs from every other, and one which gives to the community at large a deep interest in the general character and intelligence of that profession. Except in cases where a physician has established a reputation by a long course of professional conduct, the confidence that is placed in him is not so much a matter of personal consideration referring to him individually, as it is a confidence in the intelligence and skill of the profession as a class of men. The knowledge of the physician, upon which of course all his skill is founded, is chiefly made up of branches of learning, of which all other men, however learned in other respects, are profoundly ignorant. It necessarily follows that none but a physician can judge of a physician's fitness to practise. This remark is partly true in the other professions. But it is so in this in a peculiar and exclusive sense; since it not only applies to the first examinations in which the candidate is called upon to exhibit the extent and sufficiency of his knowledge, but it extends also to the observation of his readiness and skill in applying that knowledge to actual practice. His standing among the members of his own profession is therefore the measure, and the only true measure of his desert, for the public at large.

If it be asked, why these beneficial results may not be produced by the character and conduct of the individuals of the profession, without the intervention of an organized society, the answer is a ready one, that the efforts of individuals unassociated with each other, can neither secure the establishment of a sufficiently elevated standard of professional acquirement, nor, were it practicable to fix such a standard, could they compel the candidates for the profession to attain to it, or the members of the profession to maintain it. There would still be men of high worth and learning in the profession, and the success which almost uniformly attends a long course of meritorious exertion would induce many to follow their example. But their effect on the whole community would be like the bravery of an individual in an undisciplined army. He may sometimes be able to excite his companions to such an imitation of his courage as shall secure success; but he will often fail, and he will not unfrequently fall a victim to his efforts. But let those whose character and standing fit them to be leaders in the march of improvement, become associated together for

this purpose, and without doing violence to the rights or the feelings of any, the whole body of the profession find it for their honor and their interest to be associated with them. Even those to whom it is a restraint to be confined within the rules of propriety and honor, find it better to submit in some measure to such restraint, than to cut themselves off from the benefit of being ranked with their more worthy associates. Thus the character and conduct of the most deserving become not only an example for the imitation of those who are less so, but a sort of law which, however disposed, they dare not disobey.

In the practical operation of this simple principle, its effects are manifold ; and in every point of view its benefits are extended to the public at large, no less than to the profession itself. In the first place it secures, as we have already remarked, an elevated standard of professional attainment. This cannot be effected by the uncombined efforts of individuals, however desirous they might be of accomplishing it. Many young men, having a just idea of the great responsibilities of the profession, and of the varied learning requisite to sustain them properly, would still prefer to acquire a thorough education before they entered upon it. But many more in their eagerness to get forward into life, would rush into the profession but half prepared, and a considerable proportion of those who, under other circumstances, would belong to the former class, would be carried along with them. It is only by the operations of an organized society, that any fixed rules can be established, by which a candidate shall be compelled to go through a prescribed course of study, or to possess a certain amount of knowledge, before he shall be permitted to undertake the care of human life and health.

But then, if we suppose such a standard to be agreed upon, there must be some acknowledged power to compare the attainments of the candidate with it ; and this can not be effectually done by individuals alone. It could only be attempted by each physician, in the case of his own pupils ; and if we could believe a given individual to be sufficiently impartial to judge fairly of the extent of their qualifications, it cannot be supposed that the public would feel such a confidence in his impartiality, as to place much reliance on his testimony. The interests of the candidate himself, therefore, as well as those of the public and of the profession, require that there should be

such an impartial, independent body of examiners as can be provided only by a society, which shall concentrate the power and influence of the profession.

It is a natural and almost inevitable consequence of a low or an uncertain standard of professional requirements, that other considerations besides those of science and worth, come to be relied upon, as the means of gaining influence and distinction. While that sound learning, which, from its very nature, elevates the character, is neglected, those arts of winning popularity, which as certainly debase and degrade it, are cultivated in its stead. He need not be an old man, who can remember when it was the general impression throughout a great portion of our country, that the same course of preparatory education which was even then regarded as a necessary preliminary to entering upon the study of either of the other learned professions, was quite supererogatory in this. For our individual selves, though we can lay no claim to the honors of age, we have heard in our day a worthy member of a New England legislature speak with great contempt of the folly of sending a young man to attend a course of lectures, and declare that his son, who was to be a doctor, should go to a dancing-master to learn the arts of ingratiating himself with his patients. It need not be said that a physician educated upon this principle, although it should not be carried to the same absurd length, is wholly unfit to take charge of the lives and health of his fellow men. Nor is it for this purpose that the subject is here introduced. We have alluded to it rather for the purpose of remarking, that it is mainly to the insufficiency of the education of practitioners of medicine, that the jealousies and quarrels which have so often disgraced the profession, are to be attributed.

Whenever an individual admits and acts upon the idea that any other consideration than that of professional knowledge and worth is to be the chief measure or means of his success, he becomes accessible to motives which will almost inevitably lead him into practices dishonorable to himself and injurious to others. These of course lead to retaliation, and mutual recriminations. The kind of intercourse, which exists between the physician and his patient, favors such a result. It is, as we have before remarked, wholly a matter of confidence ; and at the same time, the delicacy of the subject, or the seclusion of the scene of operations, may render it difficult to explain any



circumstance that may have a tendency to impair the confidence. Hence the physician is naturally jealous of everything like interference in his professional duties. Everything tends to produce a sensitiveness on this subject, which can only be prevented by an habitual reliance upon his own consciousness of scientific worth.

The disputes and quarrels which thus arise, are sufficiently disgraceful and injurious to the profession itself, but to the community at large the injury is still greater. The sick man is fairly entitled to the best means of relief within his reach. And if the jealousy and animosities of his physicians, deprive him of them, whether it be by cutting him off from the benefit of consultations, or, as oftener happens, by taking away from him the comfort of feeling an assurance that all is well done for him, he suffers a positive, and sometimes a serious injustice. The perplexity and distress inflicted upon the patient and his friends, by disturbing his confidence in his physician, occasion a degree of suffering scarcely less severe than that caused by the disease itself. The question so often asked in ridicule of the profession, is here asked with the most anxious solicitude ; and an answer is sought for in vain.

We shall not now stop to inquire how far these evils have been corrected in our own community, by the operations of our Medical Society. This inquiry will best be met when we have shown what those operations have been. We will only remark at present, that their tendency has been to correct them, not only, as we have seen, by raising the minds of physicians, as they have improved the standard of medical education and character, to the contemplation of more worthy methods of professional advancement ; but also by fixing the principles of a correct professional conduct, and providing tribunals to which an appeal may be made in case of the infringement of them. It is true the principles already established are not always very closely adhered to, nor the tribunals often called upon to enforce them. Nor is this necessary, in order to give efficacy to the system. While the principles themselves are maintained, and the few simple rules which are founded on them, it is of little moment that they are occasionally violated. He who voluntarily and wilfully breaks through them, does so at the expense of his own self-respect, and of much of his reputation ; yet he does not thereby destroy that mutual confidence which the better portion of the members of the profession feel in each other.

It thus appears that the interests of the medical profession are so blended with the public good, that the one cannot be promoted without advancing the other. We do not mean to claim any peculiar disinterestedness for those physicians who have labored (and some there are who have labored much) to advance the character of their profession. But we do claim for them an exemption from the charge of a selfishness, unworthy of a learned and liberal profession, which would seek their own good or that of their associates, at the expense, or in utter disregard, of the welfare of the rest of mankind. In those particulars, by which a selfish man may be supposed to be most readily affected, these are the men to be, less than any others, benefited by improving the condition of the whole profession. They surely have nothing to fear, either for their gains or their ambitious projects, from the encroachments of unworthy pretenders to the profession, whose characters and standing are established, so as to give them opportunity to look around them and busy themselves in elevating the character of their associates and successors. In a more extended sense, they do indeed share largely in the benefit of adding to the general respectability of the whole body of physicians. It is not the least of these benefits, that the profession is no longer held responsible for the acts of those who do not truly belong to it. Quackery and quacks there will be in every community. But the line of distinction between them and educated physicians is now so strongly drawn among us, that the odium of their misconduct no more attaches itself to the medical profession than to any other. In like manner too, the irregular conduct of individual members of the profession itself (for we will not pretend that all are spotless even here) brings not its reproach upon the profession as a whole ; for the very rules which they violate furnish the proof that their irregularities are discountenanced by their brethren.

The view we have taken of the interest which the whole community has in the wellbeing and respectability of the medical profession, is still farther sustained and confirmed by the nature of the privileges which have been bestowed upon it. These privileges have been granted from time to time, not as a bounty conferred upon a favored class of men, but either as facilities indispensable to a regular performance of their professional duties, or as an equivalent for the benefits which the community derive from their services. The exemption from the obli-

gation to serve as jurors, which has so often been the subject of reproachful jesting, by regarding it as imposed on the profession, and associating it with a less pacific occupation, was granted by the act of 5 Henry VIII. to the Company of Surgeons in common with exemption from 'constableness, watch, and all manner of office bearing any armour,' 'for the continual service and attendance that they daily and nightly, at all hours and times, give to the king's liege people, for the relief of the same, according to their science;' and the number to whom the grant was made was limited to twelve.

A few years later in the same reign the charter of the College of Physicians was granted, which at the same time that it exempts the president and fellows from liability to be summoned to assizes, juries, inquests, &c. requires them to elect censors, who should have the superintendence of all persons exercising the faculty of medicine, and scrutiny of all medicines and their administration within the city of London. Again, when a few years later these privileges and exemptions are somewhat enlarged and more accurately defined, the same thing is done with the obligations laid upon the censors, and they are made subject to a penalty, if they refuse or neglect to perform their duty. Thus it is everywhere; the grant of privileges is everywhere connected with the imposition of obligations to perform some office, by which the public, rather than the profession, are supposed to be benefited.

Many of the privileges which are now enjoyed by physicians among us, and some of the duties which devolve upon the profession, have descended to them by custom and usage from these early charter provisions. Others have been the subject of statutory regulation in the several states; and these vary considerably in different states, in the extent both of the obligations and the privileges. In Massachusetts the fellows of the Medical Society are exempted from enrolment in the militia, which is not generally done in the other states. In many of the states there is at least one medical school; and in most of them a medical society incorporated with powers and privileges varying more or less in each particular case. But upon all of them is laid the obligation, and in some cases under the sanction of a severe penalty, of providing for the safety of the community against the introduction of uneducated practitioners of medicine. The methods pursued to effect this object are as various in the different states as are the powers of the

different institutions themselves. But they all have reference, in this country, chiefly if not exclusively to the education and examination of the candidates for the profession. Rarely, if ever, do the profession interfere with the practice of an individual member of it. Nor do they even attempt to control the conduct of those practitioners who belong not to the profession, any farther than to make it manifest that they have no affinity with them, and are not responsible for their misdeeds.

It being then settled that to the medical profession belongs the office of fixing the standard of qualifications of its practitioners, it becomes an inquiry of importance by what means this standard shall be supported, so that the great body of the profession shall individually have attained to it, before they are suffered to practise. We have already seen that this can only be done through the medium of organized societies; and we are now to inquire what are the means by which such societies can most effectually accomplish the great objects of their institution.

These means are very naturally divided into two general classes; those which derive all their efficacy from the direct exercise of power; and those which accomplish their object by the influence they are made to exert on public opinion. The first would shut out uneducated practitioners from the profession by compulsion and penalties; the second would deter them from entering it, simply by withholding from them the countenance and encouragement of those already in the profession. The regulations of every medical institution partake more or less of one or the other of these characters. In some they are purely of the former class, in a few, as purely of the latter; and in many the two are variously intermingled, but in this country chiefly inclining to the latter. It is not difficult to see which interferes least with the natural right of every man to do what he will with his own powers and faculties, and consequently which is best fitted to the genius of our free institutions. But it is not so well understood, and will not perhaps be so generally agreed, which most effectually answers the purposes for which they were designed. In order more fully to illustrate this question, we propose to compare the state of things in reference to it, as they present themselves in the commonwealth of Massachusetts, with that presented by the condition of the profession in England. We select these not merely because

we are better acquainted with the history and operations of the institutions which chiefly regulate the condition of the profession in the two countries, but also because they will furnish us the purest specimen of each of the kinds of power, to which we have alluded, and the best examples of their effects in their practical results.

So early as in the ninth year of Henry the Fifth, a petition was presented to the English Parliament, praying that the practice of physic might be restrained by law to such as had been examined and licensed. 'Wherefore pleseth to your excellents wysdomes, that ought after your soule to have no entendance to youre body for the causes abovesaid, to ordaine and make in statute perpetually to be straitly y used and kept. That no man of no manner, estate, degre, or condition, practice in fysyk fro this time forward, bot he have long time y used the scoles of fysyk, having letters testimonialx sufficianty of on of those degrees in the universite in which he took his degree in, under payne of long imprisonment and paying XL lb. to the king, and that no woman use the practice of fysyk under the same payne.' Accordingly an ordinance was passed giving to the Lords of the Council authority to establish such acts as to them should seem proper and necessary for the punishment of those who should practise physic without the approbation of the universities, or surgery without that of the masters of the art.

In the third year of Henry the Eighth an act was passed, which, after stating that 'the science and cunning of Physick and Surgery is daily within this realm exercised by a great multitude of ignorant persons, of whom the great part have no manner of insight in the same, nor in any other kind of learning; some also can no letters on the book'—'to the high displeasure of God, great infamy to the Faculty, and the grievous hurt, damage, and destruction of many of the king's liege people, most especially of them that cannot discern the uncunning from the cunning'—provided that no person should 'take upon him to exercise and occupy as a physician and surgeon' in London or within seven miles, until he had been examined and approved by the Bishop of London, or the Dean of St Paul's, with the assistance of four physicians or surgeons, under the penalty of a fine of five pounds for every month. In like manner, and subject to the same penalty, every physician and surgeon out of London was required to be examined by the bishop of his diocese, assisted by 'such expert persons in the said Faculties'

as he should think proper. The archbishop of Canterbury has occasionally granted licenses, in consequence of a power to confer degrees, transferred to him from the Pope by an act of 25 Henry VIII., and in 1670 he licensed William Lilly, the astrologer, to practise physic except in London and within seven miles. It is said that the bishop of London has within a few years licensed a practitioner in the city. The validity of such licenses is however now disputed, since, although the act granting the power of licensing to the Bishops has never been repealed, a paramount authority has been granted by charter, and confirmed by acts of Parliament, to the College of Physicians, the College of Surgeons, and the Company of Apothecaries.

The charter of the College of Physicians under which that body still holds its powers, although several subsequent charters have been prepared and offered to it, was also granted by Henry the Eighth, in the tenth year of his reign. It was ratified in the fourteenth and fifteenth years, by an act, declaring that ‘forasmuch that the making the said corporation is meritorious, and very good for the common wealth of this your realm, it is therefore expedient and necessary to provide, that no person of the said politick body and commonalty aforesaid, be suffered to practise physick, but only those persons that be profound, sad, and discreet, groundly learned, and deeply studied in physick.’ The powers granted for the purpose of carrying into effect this provision are, one would think, abundantly ample, if power alone could do it; especially when taken in connexion with those added a few years later by the act of 32 Henry VIII. The college are authorized to make by-laws for the government, superintendence, and correction, not only of its fellows, but of all persons exercising the faculty in the city, or within seven miles of it. No person is permitted to practise in London or within seven miles without a license from the President and College, under a penalty of five pounds for every month he shall so practise; nor is any person permitted to practise elsewhere in England without submitting to an examination in London before the censors of the college, and being licensed by them, unless he has received a medical degree at the university of Oxford or Cambridge. The four censors elected by the President and College have the superintendence, correction and government of all persons exercising the faculty of medicine, in any manner,

in the city or within seven miles, and the superintendence and scrutiny of all medicines and their administration, with power to punish for malpractice 'by fines, amercements, imprisonments, and other reasonable modes.' The act of 32 Henry VIII, to which we have just referred, directs how the superintendence, and scrutiny of medicines shall be performed. It requires the four censors, at least once in each year, and 'as often as they shall think meet and convenient,' to enter the house of every apothecary and 'to search, view, and see such apothecary's wares, drugs and stuffs' as he may have in possession; and all that they find to be 'defective, corrupted, and not meet nor convenient to be ministered in any medicines for the health of man's body,' they are to cause to be burned, or otherwise destroyed. It may well be supposed that such an exercise of power cannot be very agreeable to either party, and accordingly, the censors are each laid under a penalty of forty shillings for every neglect of it, and the apothecary under a penalty of five pounds, which was afterwards increased to ten pounds, for every refusal to submit to it. To complete the powers of the College of Physicians, by an act passed in the first year of Queen Mary, the president or the censors in order to 'correct and punish all offenders in the said faculty, within the same city and precinct,' are authorized to commit them to any prison in the city, except the Tower; and the officers of the prisons are required to keep 'such offender or disobedient,' at his own expense, until he is discharged by the president or censors.

In a manner somewhat similar all persons are prohibited, by a series of enactments, from practising surgery without examination and license. There is however a remarkable difference between the two colleges of physic and surgery in respect to the power of inflicting penalties upon unqualified practitioners. The College of Surgeons do not appear to possess any such powers. The reason may have been that until 1745, the surgeons were not a separate corporation, but shared their corporate powers with the worshipful company of barbers; and that was too late a period for the acquisition of such enormous powers as are possessed by the College of Physicians. We are not quite satisfied with this reason however, since at a much later period a heavy fine was laid upon apothecaries for practising without license.

It seems to have been a consequence of the rigid exercise of

their powers by the College of Physicians, by which either the qualifications of physicians were raised above, or their number reduced below, what the wants of the community required, that apothecaries came to take a part, and a very extensive part in the practice of medicine. Whatever may have been the cause of the change, the apothecaries having become established in their right to practise, we find them also regulating their admissions to it by licenses and penalties. In 1815 they obtained an act of Parliament, which subjects every one who commences practice as an apothecary in any part of England or Wales without a certificate of qualifications to a penalty of twenty pounds, and every one who thus commences as an assistant to an apothecary to the penalty of ten pounds, besides depriving them, in either case, of the power to recover their charges in a court of law. They were indeed long before, at least as early as 1666, bound by rules which were sanctioned by penalties, to a prescribed course of requirements in respect to compounding and delivering medicines; and these rules were not annulled, nor their penalties remitted, when they were admitted to a higher rank in the arts of healing. For by the act of 1815, if any apothecary ‘shall refuse to compound or administer or deliberately or negligently, falsely or unfaithfully mix, compound, or administer any medicines ordered by any lawful physician, by any prescription signed with his initials,’ he shall on conviction before any justice of the peace, unless he can show a satisfactory excuse, forfeit for the first offence, five pounds, for the second, ten pounds, and for the third be deprived of his certificate, and be rendered incapable in future of using the art of an apothecary, until he shall give satisfactory security that he will not again be guilty of a like offence.

Thus we see that in every department of the profession in England, the sole dependence for the protection of the community against the intrusion of unworthy and unskilful practitioners is upon the force of prohibitions and penalties. There is nowhere manifested any reliance upon the readiness of the public to prefer the attendance of an educated and skilful physician, however fully his qualifications may be attested, to that of an ignorant pretender. On the contrary everything is founded upon the presumption that they ‘cannot discern the uncunning from the cunning.’ We call the attention of our readers particularly to this circumstance, because it is a principal feature in the distinction between the system established in Eng-



land and that which has been adopted under the auspices of the Massachusetts Medical Society in this commonwealth. Here are no prohibitions and no penalties ; but a simple reliance upon the confidence of the community in the faithfulness of the profession in respect to the qualifications of its own members.

Before we proceed however to a comparison of the two systems, we will return to that of England, and inquire how effectually it has accomplished the objects for which its various provisions were designed. And first, in respect to irregular and ignorant practitioners, England has become proverbial for their number, until it has been called not unaptly, the paradise of quacks. Prohibitions and penalties may answer for the more despotic governments on the continent of Europe ; but where public opinion operates so directly, they serve to weaken the confidence of the mass of the people in those who rely upon them for protection, while they awaken a sympathy for those who are proscribed by them. Of what concern is it to the itinerant, whose only property is his wheelbarrow and its beggarly contents, that he incurs the liability to a fine of five pounds for every month of his miserable practice. His poverty and insignificance are a sufficient protection against the severity of the law, while that very severity becomes the principal means of all the influence he obtains.

But it is not in these lower walks of practice alone, that similar effects have been produced. The introduction of apothecaries to the right to visit patients and prescribe for them, affords a signal example of the impracticability, in any but a despotic government, of executing a law which is opposed by the sense and feeling of the community. In 1704 the College of Physicians instituted a suit against an apothecary for a breach of their charter by practising without a license from them. In the Court of King's Bench the case was decided against him ; but on an appeal to the House of Lords, the judgment was reversed ; and thus was permanently established the right of apothecaries to practise medicine for ever after, subject only to the absurd condition that they shall take no fee for professional advice, but only charge for their medicines. It is quite apparent, that the House of Lords were induced thus to evade the strictness of the law, by the urgency of the demand for a class of practitioners, who should be more accessible to the body of the people than were the licentiates of the college.\*

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\* The case turned upon the question, what is meant by *practising*

This sudden extension of the privileges of apothecaries, was for a time a great evil to the community ; for it drew into practice a great body of men who had been educated for a different line of business. But the evil has gradually corrected itself, and now the apothecaries themselves require an education in the members of their Company, who as we have seen are alone allowed to practise, scarcely less thorough in its practical parts, though less formal and expensive, than the physicians themselves. Thus the wants of a people will provide means for their own supply, and in some degree suited to their own condition, in spite of all the enactments of the laws.

A still more striking example of the inefficacy of severe enactments, in opposition to the general sense of the community, and of the reaction to which they are exposed, is exhibited at an earlier period of the history of medicine in England. We have mentioned a statute of 3 Henry VIII, which prohibited any person from practising medicine or surgery in London or within seven miles, without a license from the bishop. In the thirty-fourth and thirty-fifth years of the same reign a bill was passed which, referring to this act, declared, that ‘ since the making of which act, the company and fellowship of surgeons in London, minding only their own lucre, and nothing the profit or ease of the diseased or patient, have sued, troubled, and vexed divers honest persons, as well men as women, whom God hath endued with the knowledge of the nature, kind, and operation of certain herbs, roots, and waters, and the using and ministering of them to such as have been pained with customable diseases, as women’s breasts being sore, a pin and the wale in the eye, uncomes of hands, burnings, scaldings, sore mouths, the stone, strangury, saucelim and morphew, and such other like diseases.’ After various other severe charges against the surgeons, among the rest that ‘ it is well known that the surgeons admitted will do no cure to any person, but where they shall know to be rewarded with greater sum than the cure extendeth unto,’ and ‘ the most part of the persons of the said craft of surgeons, have small cunning, yet they will take great sums of money, and do little therefore,’ the act authorizes every person having knowl-

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*medicine.* The Court of King’s Bench decided that it consisted in judging of the disease and constitution of the patient, and judging of the proper remedy, and applying it, all which had been done in this case, but without fee. The house of lords on the contrary seem to make the practice of medicine consist essentially in the fee.

edge of herbs, roots, and waters, in any of the king's dominions, to 'minister in and to any outward sore, uncome, wound, apostemation, outward swellings or disease, any herbs, ointments, baths, pultess and emplasters, according to their cunning,' 'or drinks for the stone, strangury, or agues, without suit, vexation, trouble, penalty, or loss of their goods.' It matters little to our purpose whether the surgeons of Henry the Eighth's time really deserved the character here given of them, or whether these reproaches were the result of an unreasonable excitement against them produced by their claiming the privileges which had been previously granted them. In either case it is a powerful illustration of the unsuitableness of penal enactments for such a purpose. Whether abused or not, they are necessarily liable to be in some cases oppressive in their operation, and will always tend to cast an odium both upon the profession and those who practise it.

If the London Colleges of Physicians and Surgeons have failed of accomplishing that part of the design of their institution which relates to the exclusion of the ignorant and unskilful from practice, they have scarcely less signally failed of producing that harmony and concert among the members of the profession, which we have before said, should be one of the great means of usefulness of such institutions. We have not left ourselves room to pursue this branch of our subject as we intended ; but must content ourselves with remarking that the whole history of the College of Physicians furnishes a series of legal controversies, sometimes with men of distinguished worth, about the extent of their privileges, and their right to restrict the enjoyment of them to a small and favored number. A by-law was early adopted, declaring that no person shall ever be elected a fellow of the society who has not had a medical degree at the university of Oxford or Cambridge. The absurdity of this by-law is the more conspicuous from the fact, that neither of these universities has ever had a medical school of any distinguished celebrity. So that to enjoy the high honors and privileges of this college, a physician must have obtained his education under circumstances much less favorable to a thorough professional knowledge, than fall to the lot of many of those who are excluded from it. It necessarily follows, that many physicians of the first talents and character, being shut out from a share of its privileges, are opposed to many of its operations. Thus instead of harmony and con-

cert, it produces division and contention. Each of the three great institutions, the College of Physicians, the College of Surgeons, and the Company of Apothecaries, is at this present time, before the public in a state of controversy and high excitement ; the first in the courts of law, the second in parliament, and the last, in the public journals, respecting alterations of their rules.

Let it not be supposed that we forget or undervalue the benefits conferred on mankind by the Colleges of Physicians and Surgeons, by what they have done for the promotion of science. We are aware that in this respect they have accomplished much good ; although when the great extent of their powers and their patronage are considered, not more, perhaps less, than was fairly to be expected from them. But to speak of this, is not to our present purpose. Our inquiry has related only to those other means by which they have exerted so powerful an influence upon the condition of the profession ; and we now return to pursue the same inquiry in relation to the state of things in the commonwealth of Massachusetts.

The powers and duties of the Massachusetts Medical Society are as simple and well defined, as those of the London College of Physicians are complex and uncertain. This Society was first incorporated in 1781. Its only privileges were the right to act and to hold property as a corporate body, and to make by-laws for the government of its members, sanctioned by a penalty not exceeding twenty pounds ; and the only duty prescribed was the election of censors who were required to examine and license candidates for the profession under a penalty of one hundred pounds. This license conferred no privilege upon the recipient of it, and was of no other benefit to him, than as it made known the fact that he had been examined and approved. In 1789 some farther directions were given by an additional act respecting the reception of licentiates, and the counsellors of the society were required to point out and publish from time to time a suitable course of instruction and education.

In 1803 the charter of the Society was entirely remodelled by a new additional act of the legislature. The number of fellows, which was before limited to seventy, was extended without limitation, any physician or surgeon in the commonwealth being made eligible ; and authority was given to the counsellors to establish subordinate district societies, with

boards of censors for the examination of candidates. Under this provision, and that of a subsequent act, there are now four distinct boards of examiners, elected annually by the counsellors, and of course subject to the same regulations. Every candidate who has been licensed by the censors, or who has received a medical degree from Harvard University, being of good moral character, is, after three years' approved practice, entitled to be admitted a fellow of the Society. The only privilege granted to the fellows of the Society, beyond those enjoyed by other physicians, is an entire exemption from liability to enrolment in the militia ; except such as arise incidentally, from the very existence and the operations of the Society as a corporate body.

Immediately after this act was passed, the counsellors took measures to seek out and elect into the Society, as fast as their merits could be ascertained, all the respectable physicians and surgeons in the state, so that in theory (and it is very nearly so in practice) every physician and surgeon of sufficient respectability to be fairly entitled to confidence as a practitioner of medicine, who has been three years in practice, is a fellow of the Society, and is pledged by an express declaration to conform to its regulations and by-laws. This single circumstance is sufficient to preserve a general harmony in the profession ; for while these by-laws point out the general course of conduct which ought to be observed by individual physicians towards each other, and contain their pledge to conform to it, they also provide a tribunal to decide the controversy, if any should arise. At the same time a by-law was adopted, that no fellow of the Society should consult with, or otherwise aid or abet, any practitioner of medicine or surgery, who should thereafter commence practice, unless he were either a fellow or licentiate of the Society, or a medical graduate of Harvard University. It is in this by-law, in reference to the exclusion of unfit persons from practice, that the whole strength of the Society lies. By it a broad line of distinction is marked out between those whom the Society believe to be qualified to take charge of the health and lives of others, and whom they are therefore willing to recommend to the confidence of the community, and those whom they do not recommend, either because they do not possess the proper qualifications, or do not exhibit the proper evidence of possessing them. It is no hardship to those who are not included within the rule ; it imposes no pen-

alty ; and it cuts them off from no privilege which they might have enjoyed if the Society had never existed. On the contrary if it were true, as empirical practitioners often pretend, that they actually possess a skill which education and science do not give, then the line of separation will be an advantage, not an injury. Those whose merits are best acknowledged, suffer by being confounded with others ; and therefore to complain of being distinguished from them is in itself an acknowledgment of inferiority.

At the same time this regulation is in practice perfectly efficient. The reasonableness of it, and the mildness of its operation, successfully claim for it the support not only of the profession, but also of the whole community. It is but twenty-five years since this by-law was adopted, and it has required a considerable portion of that time for the Society to become acquainted with and elect into it all those whose merits fairly entitled them to a place in it ; so that in the more distant parts of the state, it has not been in operation long enough to put its efficacy fully to the test. But in the more central parts of the state where it has been longer in operation, it is perfectly settled, that no man can obtain any tolerable share of respectability, or property, by the practice of medicine, who is not acknowledged by the Medical Society as an educated physician. The evidence of this fact is abundant and incontrovertible ; but we cannot now go into its details. It is true that we still have among us a few uneducated practitioners. But the number is small, smaller probably than in almost any other place ; and they are regarded by the whole community, and by themselves too, as a distinct and by no means respectable class of men. The hold which they have upon their patients is so frail, that they are often obliged to promise to relinquish it in case of alarm, as the only condition on which they are allowed to prescribe ; and not unfrequently they are subjected to the mortification of being compelled to retire, before even the younger members of the profession.

Such is the system established by the Massachusetts Medical Society. Possessing, as it would seem, few of the insignia of power, in its practical operation it is most efficient. Whether we regard its effects in producing harmony and good fellowship among the members of the profession, in securing to the profession the confidence of the community, or in protecting that community from uneducated and unskilful practitioners, we

believe we may safely say that it has fully answered the great purposes for which it was designed. We mean not to say that the system is perfect, or that it admits of no amendment; but that there has been a constant improvement in the condition of the medical profession, since this system has been in operation, no one who has lived long enough to observe it, and has looked about him, can fail to acknowledge. The standard of medical education and attainment has been constantly rising, and the consciousness of respectability in the profession has given mutual confidence to its members in their intercourse with one another. We do not claim for the Medical Society all the credit of these great and rapid improvements. The Medical School has ably and cordially coöperated, and other circumstances have been favorable to improvement. But we may claim for the Society the praise of having taken the lead in this work, and of having pursued it zealously and steadily.

It is manifest that the system of the Medical Society is built upon the supposition that it should have the control of all admissions to its privileges. But when the Society went into operation there already existed in Harvard University the power to confer medical degrees; and it was necessary to allow to these degrees, the same authority and the same claim to admission into the Society after three years' approved practice, as are conferred by a license from the censors of the Society. These two institutions therefore still furnish two distinct modes of entering the profession. Although the requirements in each are of nearly equal extent, yet the discrepancy is an evil so far as it goes; and it is much to be desired that it should be wholly done away. A plan was once digested for effecting a union in this respect, but it was prevented by some unnecessary jealousies from being completed. No such jealousies now exist, and there is every reason to believe that an entire uniformity, if not a union, will soon be accomplished.

Another medical institution has within these few years been incorporated in this state with the power to confer degrees; but its degrees confer no rights in reference to the Medical Society. The legislature has indeed by statute given to its graduates all the privileges granted to similar graduates of Harvard University. But, as they had already vested in the Society the power to regulate the privileges of their own licentiates and fellows (except so far as they had been determined in the acts of incorporation), this provision can only have refer-

ence to the right to practise and recover fees, provided for in an act which we shall notice presently. We have already observed that the power to regulate admission to any of its privileges should have been vested exclusively in the Society. It was conceded to Harvard University, solely as a matter of necessity, because that institution possessed a similar authority, even before the existence of the Society; and this authority could not be taken away. But this case furnishes no reason that the Society should relinquish their rights and duties to another institution which has no such claim upon them.

Before the Society had gone sufficiently into operation in the more remote parts of the state, to exhibit its full efficacy, an act was passed, in 1818, for regulating the practice of physic and surgery. But the provisions of this act were found to be so impracticable, that before any attempt was made to execute them, they were entirely altered, the following year, by an additional act. This act divided the state into districts for the appointment of censors, and provided that no person who should commence practice after the first of July, 1819, should be entitled to the benefit of law for the collection of any fee for professional services, unless he had been licensed by the censors, or had received the degree of Doctor of Medicine in Harvard University; and a subsequent act included Doctors of Medicine of Williams College; a copy of the letter of license, or diploma, being deposited with the town clerk of the town in which the practitioner resides. These provisions, it should be remembered, form no part of the true system of the Massachusetts Medical Society, but are an appendage, wholly extraneous, and are regarded by many of its members as impairing both its beauty and its usefulness. They were not sought for by the Society, but were rather forced upon it, and it was better to execute them, than to contend with the legislative authority. In their practical effects they are nearly inoperative. We believe they have done very little either of good or harm, and therefore, although we could wish they had never been made, they are hardly of sufficient importance to call for an effort to procure their repeal.

A proposition is now before the medical public for an attempt to extend still farther the benefits of concert and coöperation among the members of the profession. In December, 1825, a letter was addressed by the Vermont Medical Society to the several societies and medical schools in New England,



proposing that each should agree to the adoption of certain terms for the admission of candidates to the profession ; which they had themselves adopted, subject to the condition that the other institutions should do the same. This letter, after various discussions and correspondences led to the appointment of delegates, which met in convention at Northampton in June, 1827, for the purpose of agreeing on a uniform system of instruction and examination of students of medicine. The convention agreed upon a system of regulations, which they referred to the several medical societies and institutions for their adoption or rejection. It remains to be seen what will be the result.

This system proposes to form an association of medical societies and institutions for the purpose of establishing the same course of education and examinations throughout the whole of New England and New York, and to include as many of the other states as shall adopt the the same regulations. Such a proposition seems at first view a very interesting one, and yet on a little reflection, it becomes very questionable whether the different parts of the country varying so much as they do in their habits and condition do not require some difference in the general qualifications of their physicians. It is true that the value of human life is everywhere the same, and the same degree of knowledge and skill may everywhere be necessary to preserve it. But it is no less true that no higher standard of acquirements can be maintained in any community, than that community will pay for. If in one place the fees of the profession are high, and in another, low, no system of regulations that human wisdom can devise, or human power execute, can provide an actual equality in the qualifications of its practitioners. It is as true in medicine as in everything else, that where the compensation is the best, there will be the best qualified men to receive it. If the standard is the same for different places, however unequal in the rewards which they yield to the profession, then that standard must be too low for some of them, and consequently not only useless, but injurious in its operation, or it must be too high for others, and therefore incapable of being maintained in practice. We have already seen that no regulations can be enforced, whose requisitions are essentially above the actual wants of the community. The regulations will be either broken or evaded, or some new class of practitioners must be introduced to take the place of those who

are excluded by them. The introduction of apothecaries to practice in England, is a most striking proof of the impotency of such regulations.

We regard it therefore as certain that if the system prepared by the convention is adopted at all, it can only be, after many and some of them very important modifications ; and it is to our minds extremely doubtful whether any modification can fit it for such an extensive application, as that for which the convention designed it. Still the benefits of a general concert and coöperation may remain, although each institution should be left at liberty to establish such regulations as it shall deem most useful for its own community.

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ART. IV.—1. *A Statement by the Council of the University of London, explanatory of the Nature and Object of that Institution.* London. 1827.

2. *Report of a Committee of the Overseers of Harvard College, January 6, 1825.* Cambridge. 1825.

POLITICAL wisdom has to solve the difficult problem of directing the industry of the people, under the limitations of their constitutional compacts, to the advancement of the public good. The public felicity which attends the accomplishment of this task, bestows the means of private prosperity on every individual, whom the laws protect. The means used for the attainment of this end, are suggested by sound, practical reason, and ratified by successful experiments, which will ever outstrip philosophy in her fanciful visions and speculations. The acquisition of property, made accessible to a whole nation on equal terms, and guarded by a wise constitution, opens the richest sources for the free and unlimited exercise of talents, industry, and enterprise. Wealth accumulated by these means is honorable, and promotes national welfare in the same degree, that acquired in all other ways it is dishonorable, and directed against the public good. The great difference in the capacities and occupations of men must, from natural causes, give rise to inequality of worldly advantages, notwithstanding the level on which the whole nation stands in a political view ; and the same reasons operate upon the formation of